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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 202

HARRY FLEISHER, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

No. 203

SAM FLEISHER, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

No. 204

JOSEPH STEIN, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR CERTIORARI FILED JULY 8, 1937.

CERTIORARI GRANTED OCTOBER 11, 1937.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 202

HARRY FLEISHER, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

No. 203

SAM FLEISHER, PETITIONER,

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ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT

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[fol. 1]

IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION.

UNITED STATES OF AMERICA

vs.

HARRY FLEISHER, ALIAS FLEISH, ALIAS FLEISCHER, SAM Fleisher, Alias Sam Fleish, Alias Albert Ligner, Alias Hollender, Joe Stein, Alias Joe Brown, et al.

INDICTMENT—Filed October 30, 1935

Vio: Sec. 37 C. C. Secs. 3258, 3282 and 3281 R. S. and Sec. 201, Title II of the Liquor Taxing Act of 1934

EASTERN DISTRICT OF MICHIGAN,
Southern Division:

The Grand Jurors of the United States of America empaneled and sworn in the District Court of the United States for the Eastern District of Michigan, Southern Division, and inquiring for that District, upon their oaths and affirmations present and charge: That Harry Fleisher, Alias Fleish, alias Fleischer, Sam Fleisher, alias Sam Fleish, alias Albert Ligner, alias Hollender; Joe Stein, alias Joe Brown; Jack Selbin, alias George Palmer, alias Jack Berg; Nate Kepperwas, alias Sherman, alias Cooper; [fol. 2] John J. Gettleson, alias Warren; Sam Wisotsky, Joseph Wisotsky, Thomas Hewson, Clifford Hoffman, alias Coffman; Harry Schonosky, alias Schonowsky; Jack Mankin and Everett Demel, late of the Division and District aforesaid, hereinafter referred to as defendants, and divers other persons to these Grand Jurors unknown, hereinafter referred to as co-conspirators but not defendants, herein, did, in the Eastern District of Michigan, Southern Division, from, to-wit, the 1st day of October, A. D. 1934, to and including the time of the filing of this indictment, unlawfully, feloniously, knowingly and wilfully conspire, combine, confederate, arrange and agree together and each with the other to commit at the times aforesaid at, to-wit: 5620 Federal Street, in the City of Detroit, in the County

of Wayne, State of Michigan, and within the jurisdiction of this Honorable Court, an offense against the laws of the United States, that is to say, that the said aforementioned defendants and co-conspirators would, during the aforementioned time and at the aforementioned place, unlawfully, knowingly, wilfully and feloniously possess and cause to be possessed, keep in custody, control and cause to be controlled certain stills and distilling apparatus for the production of distilled spirits, and would set up and cause to be set up the said aforementioned stills and distilling apparatus without having the same registered with the Collector of Internal Revenue as required by law; contrary to the form, force and effect of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

And the Grand Jurors do further charge and present: That in furtherance of, and in execution of, and for the purpose of carrying out and effecting the object and design of the said aforementioned conspiracy the said aforementioned defendants and co-conspirators did and committed the following overt acts:

I

On, to-wit: the 10th day of April, A. D. 1935, the defendant Jack Selbin, alias George Palmer, alias Jack Berg, superintended the unloading and loading of a large quantity of sugar at the Guardian Transit Company at, to-wit: [fol. 3] 2551 16th Street, in the City of Detroit, County of Wayne, State of Michigan, and within the jurisdiction of this Honorable Court.

II

On, to-wit: the 10th day of April, A. D. 1935, the defendant Joseph Stein, alias Joe Brown, assisted in the unloading of a large quantity of sugar at the Guardian Transit Company at, to-wit, 2551 16th Street, in the City of Detroit, County of Wayne, State of Michigan, and within the jurisdiction of this Honorable Court.

Contrary to the form, force, and effect of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

Second Count

And the Grand Jurors aforesaid, do further present: That heretofore, to-wit: between the first day of October, A. D. 1934, and the date of the filing of this indictment, the said defendants, Harry Fleisher, alias Fleish, alias Fleischer; Sam Fleisher, alias Sam Fleish, alias Albert Ligner, alias Hollender; Joe Stein, alias Joe Brown; Jack Selbin, alias George Palmer, alias Jack Berg; Nate Kepperwas, alias Sherman, alias Cooper; John J. Gettleson, alias Warren; Sam Wisotsky, Joseph Wisotsky, Thomas Hewson, Clifford Hoffman, alias Coffman; Harry Schonosky, alias Schonowsky; Jack Mankin and Everett Demel, late of the Division and District aforesaid and co-conspirators did, in the Eastern District of Michigan, Southern Division, unlawfully, feloniously, knowingly and wilfully conspire, combine, confederate, arrange and agree together and each with the other to commit at the times aforesaid, at, to-wit: 5620 Federal Street, in the City of Detroit, in the County of Wayne, State of Michigan, and within the jurisdiction of this Honorable Court, an offense against the laws of the United States of America, that is to say, that the said aforementioned defendants and co-conspirators would, during the aforementioned time and at the aforementioned place, unlawfully, knowingly, wilfully and feloniously make and ferment and cause to be made and fermented large quantities of mash, wort and/or wash, to-wit: 42,000 gallons of mash, a mixture and compound fit for distillation and the production of distilled spirits, in a building and on premises which would not be then and there a distillery or [fol. 4] distilleries nor premises and building duly authorized and designated according to law as a distillery or distilleries; contrary to the form, force, and effect of the Act of Congress in such case made and provided and against the peace and dignity of the United States.

And the Grand Jurors do further charge and present: That in furtherance of, and in execution of, and for the purpose of carrying out and effecting the object and design of the said aforementioned conspiracy the said aforementioned defendants and co-conspirators did and committed the following overt acts:

I

On, to-wit: the 10th day of April, A. D. 1935, the defendant Joseph Stein, alias Joe Brown, drove an Indiana